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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/812,391 | 03/19/2001 | Kenneth H. Crain | 108292.00004 | 3367 |

7590 05/03/2006
Steven W. Thrasher
Jackson Walker, LLP
2435 North Central Expressway, #600
Richardson, TX 75080

EXAMINER

NGUYEN, CAO H

| ART UNIT | PAPER NUMBER |
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2173

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,391

Applicant(s)

CRAIN ET AL.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 11/21/05. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Specification

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added negative limitation "without requiring input from the user" to claim 21 and 30 was not explicitly described in the specification. The examiner respectfully point out that negative limitations must be positively recited, albeit negatively, in the specification in order to have basis for being explicitly excluded in the claims (MPEP 2173.05(i)).

The disclosure is objected to because of the following informalities: Abstract in the specification should be corrected. Appropriate correction is required.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 21-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Rempell (US Patent No. 6,546,397).

Regarding claim 21, Rempell discloses a method for recording changes in visual stimuli as a user interacts with the visual stimuli, comprising creating a browser object by a control application [...a process for creating and displaying a webpage; see col. 5, lines 48-62]; establishing a conduit between the browser object and a browser interface [...build tool to create webpage/website; see col. 6, lines 4-31]; receiving visual stimuli, and creating page objects based on the received visual stimuli by the browser object and the control application [...see col. 9, lines 1-64 and col. 10, lines 1-54].

Regarding claim 22, Rempell discloses comprising mirroring events occurring within the browser interface by the browser object (see col. 11, lines 1-43).

Regarding claim 23, Rempell discloses wherein the mirroring occurs via the conduit (see col. 11, lines 44-65).

Regarding claim 24, Rempell discloses, wherein the events cause changes in the visual stimuli (see col. 12, lines 21-51).

Regarding claim 25, Rempell discloses comprising reporting the events to a receiving module (see col. 13, lines 21-59)..

Regarding claim 26, Rempell discloses comprising reporting the changes in the visual stimuli to a receiving module (see col. 14, lines 1-28).

Regarding claim 27, Rempell discloses displaying the changes in the visual stimuli to the user (see col. 14, lines 29-63).

Regarding claim 28, Rempell discloses a method for recording changes in visual stimuli, comprising: creating a plurality of page objects based on received visual stimuli (..view of the build time for implementation of panel interface objects including interactive fields and interactive full down list; see col. 17, lines 25-67); and monitoring the visual stimuli by each of the plurality of page objects, wherein each of the page objects is related to a portion of a web page (the interactive fields are defined a DHTML; see col. 20, lines 7-65).

Regarding claim 29, Rempell discloses a comprising recording a change in the monitored visual stimuli (see col. 22, lines 6-29).

Regarding claim 30, Rempell discloses a method for recording changes in viewable content, comprising receiving a plurality of viewable content by a browser interface (..the text style, hot link, preferences and format; see col. 33, lines 13-67); appending an applet to each of the viewable content, wherein the appending creates a modified version of each of the viewable content (see col. 30, lines 21-67); instantiating the modified version of each of the viewable content in a plurality of web pages (see col. 31, lines 1-67); and monitoring events that may cause changes in each of the viewable content (see col. 32, lines 26-43).

Regarding claim 31, Rempell discloses comprising initiating a process block by a control program (see figures 10-14).

Regarding claim 32, Rempell discloses wherein the appending of the applet is performed by the control program.

Regarding claim 33, Rempell discloses applet wherein the monitoring is performed by the applet (see col. 34, lines 10-64).

Regarding claim 34, Rempell discloses comprising communicating related data to the monitoring of the events and the changes in the viewable content (see col. 35, lines 7-45).

Regarding claim 35, Rempell discloses the method of claim comprising reporting the changes by the applet in each of the applets corresponding web pages (see col. 35, lines 52-67).

Regarding claim 36, Rempell discloses comprising reporting the changes by the applet to a receiving aspect of the control program (see col. 39, lines 1-65).

Regarding claims 37-38, Rempell discloses wherein the reporting occurs once the browser interface performs the instantiating (see figure 37).

Regarding claims 39-40, Rempell discloses wherein the changes to the displayed viewable content occur while a user is interacting with each of the plurality of content in the plurality of web pages (see col. figures 48-50).

Conclusion

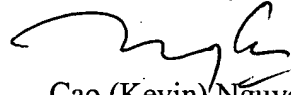
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

04/28/06